



THE ATTORNEY GENERAL OF TEXAS

AUSTIN, TEXAS 78711

**JOHN L. HILL
ATTORNEY GENERAL**

May 7, 1975

The Honorable Richard C. Gibson
Director
University of Texas System Law Office
601 Colorado
Austin, Texas 78701

Open Records Decision No. 86

Re: Report of faculty committee
to President of University.

Dear Mr. Gibson:

Pursuant to section 7 of article 6252-17a, V. T. C. S., the Open Records Act, you have requested our decision on whether a report of a faculty committee is excepted from disclosure under section 3(a)(11) of the Act, which excepts intra-agency memoranda from required disclosure.

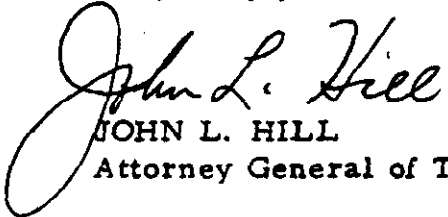
The report in question is that of the Committee on Review of Faculty Privileges and Perquisites to then-President Stephen H. Spurr and reports on an investigation of a complaint about the makeup of a departmental Search Committee.

The requestor apparently contends that the report contains information relating to his employment relationship and is thus available to him under section 3(a)(2). We find as a matter of fact that there is no such information in this report.

The report is organized in three parts: Part I, "Factual Background;" Part II "Conclusions;" and Part III, "Recommendations." You have no objection to disclosure of the factual information in Part I but contend that two statements in that part are excepted from disclosure. You contend that Parts II and III are excepted from disclosure in their entirety. We agree.

The section 3(a)(11) exception is directly in point. It is intended to protect from disclosure advice and opinion on policy matters and to encourage open and frank discussion between subordinate and chief concerning administrative action. To the extent that portions of the document consist of advice and recommendations, those portions are not required to be disclosed. Attorney General Opinion H-436 (1974). The two statements noted by you in Part I are speculative rather than factual and are excepted from disclosure. Parts II (conclusions) and Part III (recommendations) are entirely excepted from disclosure.

Very truly yours,


JOHN L. HILL
Attorney General of Texas

APPROVED:


DAVID M. KENDALL, First Assistant


C. ROBERT HEATH, Chairman
Opinion Committee